

**UNITED STATES DISTRICT COURT
For the Northern District of California**

UNITED STATES DISTRICT COURT

Northern District of California

4 || NAVIGATORS INSURANCE,

Plaintiff(s),

No. C 09-03805 MEJ

V.

TRAVELERS CASUALTY,

Defendant(s).

REMAND ORDER

Pending before the Court is Defendant Travelers Casualty and Surety Company of America's Motion for Transfer of Venue (Dkt. #3.) Plaintiffs Navigators Insurance Company and NIC Insurance Company filed an Opposition (Dkt. #6), to which Defendant filed a Reply (Dkt. #11). On October 8, 2009, the Court held a hearing on Defendant's Motion. The Court now rules as follows.

In their Opposition to Defendant’s Motion to Transfer, Plaintiffs contend that Defendant improperly removed this action from San Francisco Superior Court. Specifically, Plaintiffs contend that because less than \$75,000 is in controversy in this action, the Court lacks subject matter jurisdiction under 28 U.S.C. § 1332, making remand appropriate. Defendant initially opposed remand on the basis that Plaintiffs’ Complaint could be construed as seeking more than \$75,000 against Defendant. However, at the hearing, Plaintiffs avowed that they are seeking only \$44,000 plus interest from Defendant. In response, Defendant indicated that, on that basis, it would agree to remand of this action. Accordingly, because it is undisputed that the amount in controversy requirement under 28 U.S.C. § 1332 is not satisfied in this case, the Court **GRANTS** Plaintiffs’ request for remand and **DENIES AS MOOT** Defendant’s Motion to Transfer.

23 The Clerk of the Court shall therefore remand this matter to San Francisco Superior Court.

IT IS SO ORDERED.

26 || Dated: October 8, 2009

Maria-Elena James
Chief United States Magistrate Judge